

EXHIBIT NO. 1

19
9-14-02

Docket Item #13-E
VACATION #2002-0001
1700 DUKE ST – MIXED USE DEVELOPMENT

Planning Commission Meeting
September 3, 2002

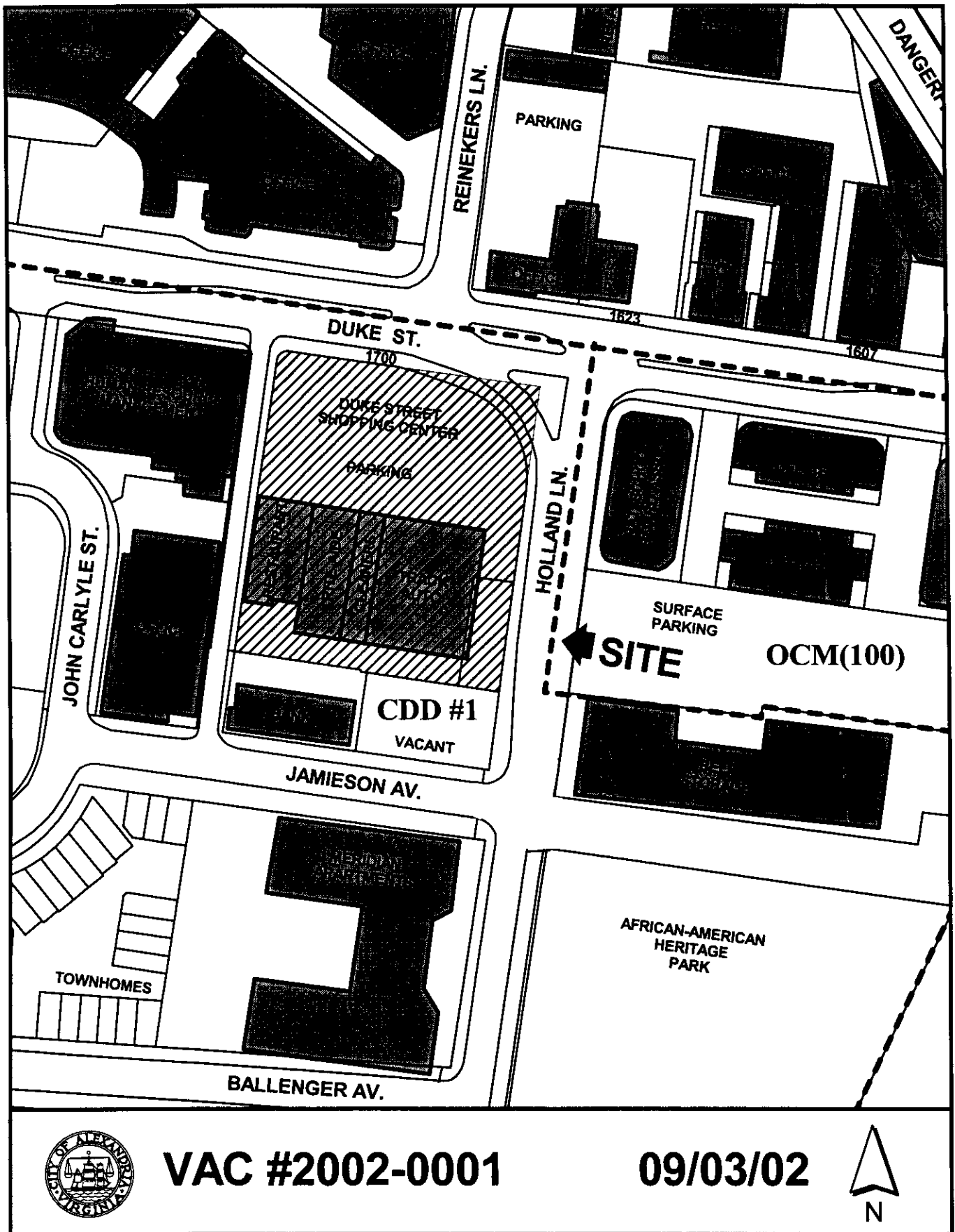
ISSUE: Consideration of a request for vacation of a portion of the public right-of-way located at the southwest corner of Duke Street and Holland Lane.

APPLICANT: JBG Rosenfeld Duke Street, LLC
by Harry P. Hart, attorney

LOCATION: 1700 Duke Street

ZONE: CDD-1/Coordinated Development District, Duke Street

PLANNING COMMISSION ACTION, SEPTEMBER 3, 2002: On a motion by Ms. Fossum , seconded by Mr. Gaines, the Planning Commission voted to recommend **approval** of the proposed vacation, subject to compliance with all applicable codes, ordinances and all staff recommendations as submitted. The motion carried on a vote of 6 to 0. Mr. Robinson was absent.



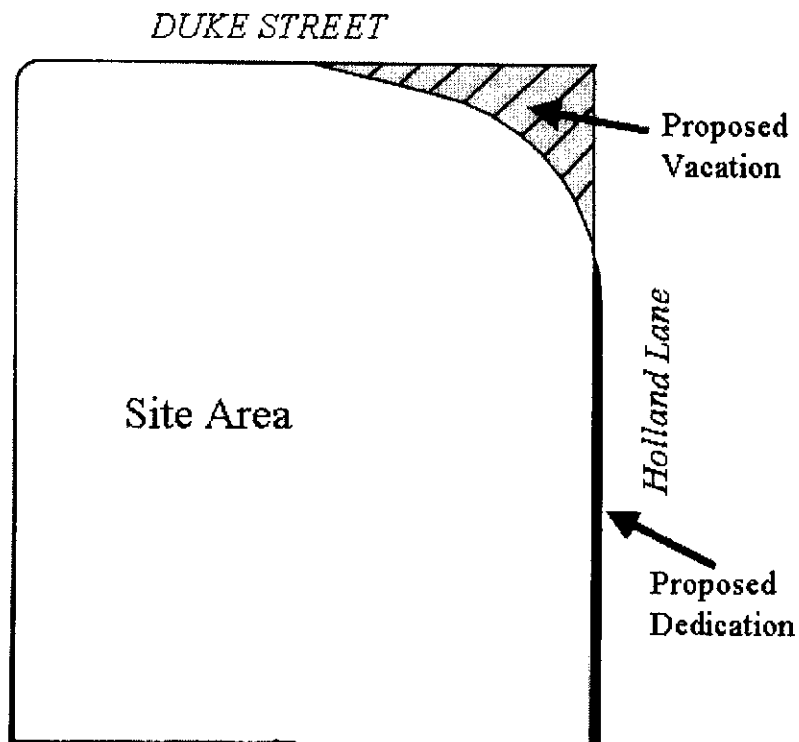
STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

1. The applicant shall pay fair market value as determined by the Department of Real Estate Assessment. The fee shall be paid for the land prior to release of the final site plan. (P&Z) (Real Estate) (T&ES)
2. The vacation and dedication plats shall be approved prior to release of a building permit. (P&Z)
3. The vacated area is to be consolidated into the adjoining property.(T&ES)
4. The switching device located in the island at the intersection of Duke Street and Holland Lane shall be relocated to an enclosed location not visible from the public right-of-way, and in accordance with the requirements of Dominion Virginia Power. (T&ES) (P&Z)

BACKGROUND:

The applicant, JBG Companies LLC., is requesting approval to vacate a 2,606 sq.ft. triangular shaped portion of the public right-of-way at the intersection of Duke Street and Holland Lane along the parcel at 1700 Duke Street. The right-of-way for Duke Street and Holland Lane is approximately 66 ft.(varies) for both streets, that are arterial roadways within the City. The vacation request is in conjunction with a proposed development special use permit (DSUP# 2002-0009) to construct a 43,342 sq.ft. grocery store and a 114 unit condominium building at the subject property. As part of the development proposal staff is requesting the dedication of an approximately 3 ft. x 195 ft. (584 sq.ft) portion of land adjacent to Holland Lane as depicted below:



A fundamental issue raised by the proposed development was the circulation of the surrounding intersection for both pedestrians and motorists. Because of the importance of the adjoining intersection not only for the site but also the Eisenhower Valley, staff requested the applicant prepare a traffic study to identify how the proposed use would impact the adjoining intersection. The traffic study indicated an additional right-hand turn lane would minimize the impacts of the proposed use on the adjoining intersection of Duke Street and Holland Lane. Based upon the results of the traffic study staff is also recommending an additional right-hand turn lane from Holland Lane onto Duke Street and a center median for Holland Lane.

To accommodate the additional turn lane and median on Holland Lane, the applicant is required to dedicate to the City a portion of the subject property to the public right-of-way. During peak hours the median will prevent left-hand turns from Holland Lane into the site. During non-peak traffic a left-hand turn from Holland Lane will be permitted through the use of a portion of the median/curbing that can be mechanically lowered. The additional right-hand turn onto Duke Street is needed to accommodate turning movements onto Duke Street and reduce the amount of vehicle queuing at the intersection.

At the request of Planning and Transportation staff, the applicant agreed to eliminate the "free right" from Duke Street onto Holland Lane to provide a more traditional 90 degree "T" intersection. The elimination of the "free right" turn in combination with the brick crosswalks recommended by staff will enhance the pedestrian circulation for the adjoining intersections that is within close proximity to the King Street Metro. As part of the proposed development, the applicant has also agreed to locate the large existing transformer within Holland Lane to an underground vault.

Staff recommends approval of the vacation, that is being proposed at the request of City staff. The vacation and associated dedication will result in vehicular and pedestrian improvements for this important intersection within the City. In addition, staff is recommending that the applicant compensate the City at fair market value for the difference in values between the conveyance of 585 sq.ft. of private property to the City for new public right-of-way on Holland Lane and the 2,606 sq. ft. of public right-of-way vacated on Duke Street.

STAFF: Eileen P. Fogarty, Director, Department of Planning and Zoning;
Kimberley Johnson, Chief, Development;
Jeffrey Farner, Urban Planner.

JF

APPLICATION: VACATION

VAC # 2002-0001

PROPERTY LOCATION: 1700 Duke Street

TAX MAP REFERENCE: 73.02-09-02 and 73.02-09-03 ZONE: CDD-1

APPLICANT Name: JBG Rosenfeld Duke Street L.L.C.

Address: 5301 Wisconsin Ave., N.W., Suite 300, Washington, DC20015

PROPERTY OWNER'S NAME: Duke Street Associates, c/o Greenhoot Cohen
(Owner of abutting area to be vacated)

ADDRESS: 5101 Wisconsin Ave., N.W., Suite 200, Washington, DC 20016-4120

VACATION DESCRIPTION: Vacation of public right-of-way at the corner of Duke Street and Holland Lane of the hot right hand turn lane in conjunction with an application for a CDD Special Use Permit for a Mixed-Use Development. See attached Plat.

THE UNDERSIGNED hereby applies for a Vacation Ordinance in accordance with the provisions of Chapter 10 of the Code of the State of Virginia.

THE UNDERSIGNED having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Harry P. Hart

Print Name of Applicant or Agent

Harry P. Hart by mch
Signature

307 N. Washington Street

Mailing Address

703-836-5757

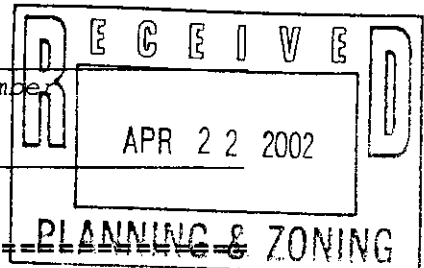
Telephone Number

Alexandria, VA 22314

Mailing Address

April 22, 2002

date



DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Filing: _____ \$ _____
date received fee paid date paid

Legal Advertisement: _____ Property Placard: _____

Action - Planning Commission: _____

Action - City Council: _____

15-19
9-14-02

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

307 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314-2557

TELEPHONE (703) 836-5757
FAX (703) 548-5443

HARRY P. HART
MARY CATHERINE H. GIBBS
HERBERT L. KARP

OF COUNSEL
CYRIL D. CALLEY
ROBERT L. MURPHY

September 13, 2002

The Honorable Kerry Donley and Members of the City Council
c/o City Clerk
City Hall, Room 2300
Alexandria, VA 22314

Re: 1700 Duke Street Project, Docket Items 15-19
MPA #2002-0003
CDD # 2002-0002
DSUP # 2002-0009
SUP(TMP) #2002-0047 and
Vacation # 2002-0001

Dear Mayor Donley and Members of City Council:

After consultation with Staff, the following is a list of the agreed modifications to the conditions for the above referenced docket items on your September 14, 2002 Planning Commission docket:

Docket Item 17, DSUP#2002-0009

Condition No. 1 (a) should read:

"The base of the building (retail) shall be pre-cast, the building shall provide a continuous lighter color brick frieze around top of the entire building, the building shall provide a pre-cast or comparable material corner treatment and the general level of architectural detail, design and quality as depicted in Attachment #1."

Condition No. 5 should read:

"The applicant shall provide pedestrian streetscape improvements that at a minimum shall provide the level of improvements depicted on the preliminary plan and shall also provide the following to the satisfaction of the Director of P&Z:"

Condition No. 12 (c):

"The residential visitor spaces shall be located on the second parking level adjacent to the resident parking or on the surface at the rear of the retail. At least ~~50%~~ five (5) of the surface spaces at the rear of the retail shall be reserved for residential visitors."

Condition No. 12(j):

"Parking spaces within the underground parking in excess of 1sp/250 gross sq. ft. retail space shall be made available for short-term market-rate parking if excess parking spaces are available as demonstrated by a parking study prepared by a transportation engineer and submitted by the applicant Whole Foods Market. . . ."

Condition No. 24:

"Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys, or storm sewers. The applicant shall control odors and any other air pollution from operations at the site and prevent them from ~~leaving the property or~~ becoming a nuisance, as determined by the Department of Transportation and Environmental Services. (T&ES)."

Condition No. 26:

"A TMP account shall be funded annually at a rate of \$0.11 per square foot of occupied retail space and ~~\$100~~ 60 per occupied residential unit. The first payment to fund shall be made with the issuance of initial residential or retail Certificate of Occupancy. Payment shall be the responsibility of the developer until such time as this responsibility is transferred by lease or other legal arrangement to the owners of the buildings or condominiums. Annually, to begin one year after the initial CO is issued, the rate shall increase by an amount equal to the rate of inflation for the previous year, unless a waiver is obtained by the Director of T&ES. The TMP fund shall be used exclusively for these approved activities: . . ."

Condition No. 54:

"The design and operation of the mechanically operated moveable curb and signage for the Holland Lane median opening shall be to the satisfaction of the Director of T&ES. The owner shall be responsible for the cost of maintenance and operation of the mechanically operated curb."

Condition No. 59 (2)(a):

"Special construction methods to reduce noise transmission, including which may include: . . ."

Condition No. 75:

"In accordance with the City of Alexandria's Affordable Housing Policy, the developer will provide a contribution to the Housing Trust Fund in the amount of \$1.00 per gross square foot, or \$175,000.00, whichever is greater, no later than the date of the issuance of a the Certificate of Occupancy for the building grocery store."

Condition No. 76:

"For firefighting reasons all one stairs shall extend through the roof so that door access to the roof is provided."

Condition No. 77: add the following at the end of the paragraph

"to the satisfaction of the Director of Code Enforcement."

Condition No. 79:

"The building requires 2 van accessible handicapped accessible parking spaces. ~~At least one space shall be within the parking structure.~~"

Docket Item # 19, Vacation # 2002-0001

Condition No. 1 should read:

"The applicant shall pay fair market value as determined by the Department of Real Estate Assessment, offset by the cost of undergrounding the Dominion Virginia Power equipment located in the intersection of Duke Street and Holland Lane, not to exceed the fair market value. The cost of the undergrounding shall be verified by the Director of T&ES. The applicant shall be responsible for performing the work and for payment of the difference between the fair market value and the cost of undergrounding of the power equipment. The payment shall be made prior to the issuance of the first Certificate of Occupancy. The fee shall be paid for the land prior to release of the final site plan."

The Applicant has proposed the following changes to two conditions, one in Docket Item # 16, CDD#2002-0002 and one in Docket Item # 17 DSUP #2002-0009.

Docket Item 16, CDD#2002-0002

Condition No. 3 should read:

"The proposed development shall comply with the Carlyle Design guidelines, streetscape guidelines and the building shall be reviewed ~~and~~ approved by the Carlyle Design Review Board (CDRB)(P&Z)."

Docket Item 17, DSUP #2002-0009

Condition No. 2 should read:

"The final design shall be reviewed ~~and approved~~ by the Carlyle Design Review Board (CDRB). . . ."

The Applicant has worked diligently with Staff regarding these conditions and out of 144 recommendations, the Applicant has agreed to all but two of them. The Applicant simply requests that Council make the final suggested changes.

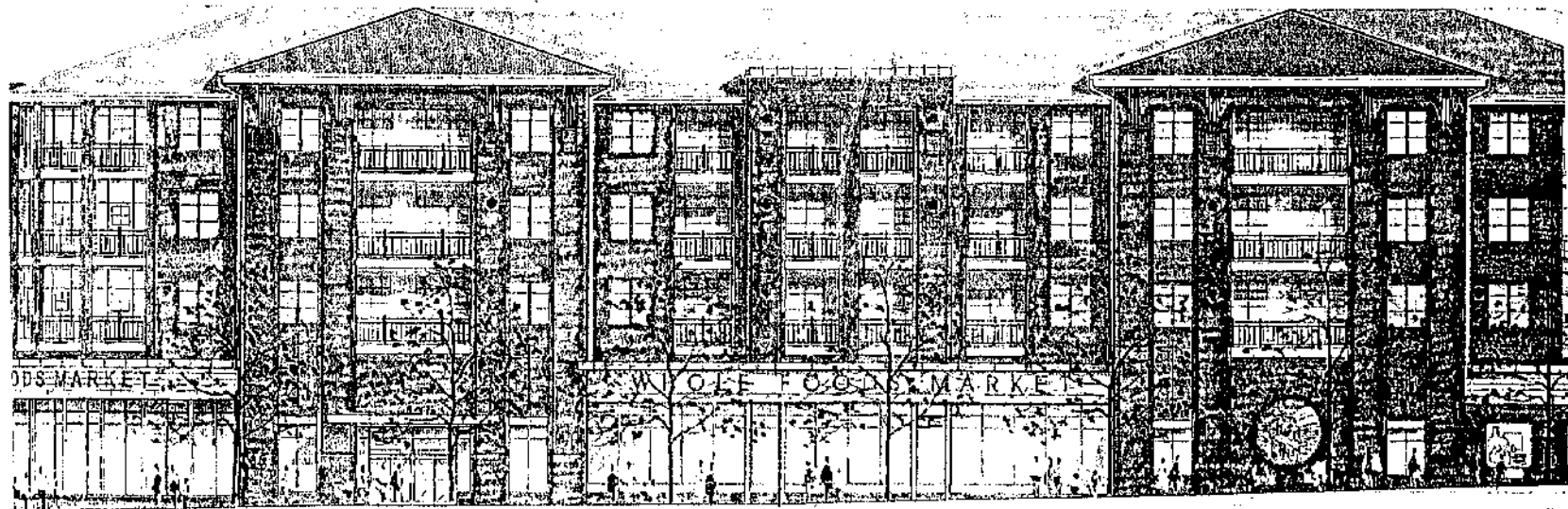
Very truly yours,



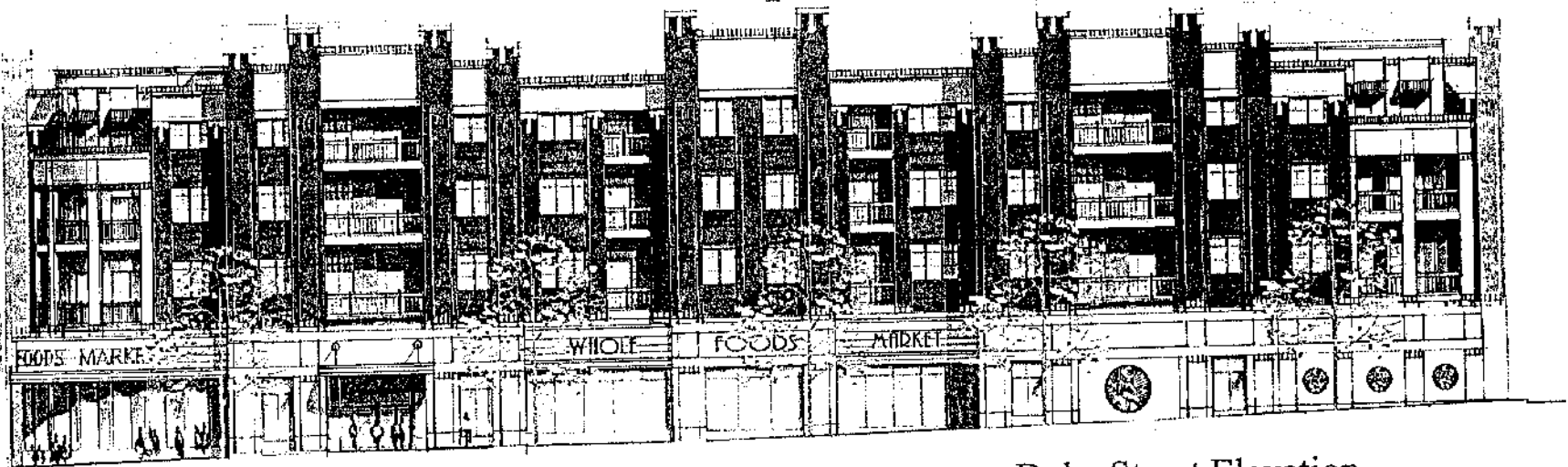
Harry P. Hart

cc: Mr. Chris Todd
Ms. Eileen Fogarty, Director, Department of Planning & Zoning
Mr. Richard Baier, Director, Department of Transportation and Environmental Services

Applicants Proposal



Staff Proposal



Duke Street Elevation
DSUP # 2001-0009

*City of Alexandria, Virginia*19
9-14-02

MEMORANDUM

DATE: SEPTEMBER 10, 2002

TO: EILEEN FOGARTY, DIRECTOR, PLANNING & ZONING

FROM: CINDY SMITH-PAGE, DIRECTOR, REAL ESTATE ASSESSMENTS

SUBJECT: ESTIMATED VALUE OF RIGHT-OF-WAY TO BE VACATED
(Application for Vacation #2002-0001)

Cindy Smith Page

Per your request, I have reviewed the proposed right-of-way to be vacated at the southwest corner of the intersection of Duke Street and Holland Lane. (Attachment 1) According to the attached plat, the right-of-way comprises a total land area of 2,606 square feet.

Assessments Records

073.02-09-02	65,875 sq. ft.
073.02-09-03	<u>3,888 sq. ft.</u>
Site as of 1/1/02	69,763 sq. ft.

Area Tabulation Per Plat

not specified
not specified

Total Right-of Way

To be vacated:	2,606 sq. ft.	2,606 sq. ft.
Less:	<u>585 sq. ft.</u> of ROW	584 sq. ft.
Total Proposed Site	71,784 square feet	

According to the application for preliminary site plan approval, the proposed consolidated 71,784 square feet site will be developed as a mixed use development that will include underground parking, retail uses on the first floor, and residential units on the upper floors. The site areas above are taken from the site plan submitted by the applicant.

Based upon staff review of current assessment data and subject to the limiting conditions stated later in this memorandum, it is my opinion that the right-of-way to be vacated had an estimated fair market value, as of the date of the application for vacation (April 22, 2002), of:

One Hundred Eighty One Thousand Eight Hundred Dollars (\$181,800)

I have estimated the value of the right-of-way to be vacated using the latest real estate assessments for the abutting properties. This method employs the process adopted by City Council on November 10, 1987. This method attempts to measure the contributory value of the right-of-way as it relates to the larger parcel created. Therefore, the appraisal problem can be stated as: What is the incremental difference between the estimated fair market value of two separate parcels (that comprise

a total land area of 69,763 square feet) and the estimated fair market value of the single larger parcel created by adding the vacated right-of-way, subtracting portions of each lot dedicated for a right of way along Holland Lane (69,763 sq. ft. + 2,606 sq. ft., less 584 sq. ft on Holland Land = 71,784 sq. ft., or the larger parcel)?

In this instance, the market would value the land based on its anticipated yield. It was on this basis that the two lots were originally assessed as of January 1, 2002. The maximum floor area of development (FAR) permitted on the larger parcels was 2.62 square feet of building, for each square foot of land. The January 1, 2002 assessments of Lots 2 and 3 were based on an FAR value of \$34.35 per square foot of maximum allowable development using a by right FAR of 2.62. The proposed site plan indicates the same yield of 2.62 proposed FAR.

Accordingly, the proposed gross building area of the vacated right-of-way and Lots 2 and 3 is calculated as per the attached plan as follows:

Total Assembled Site: 71,784 sq. ft. @ 2.62 FAR = 188,074 sq. ft.

Indication of value for the site before adding the vacated right-of-way:

Lot 2: 65,875 sq. ft. of land	x 2.62 FAR = 172,593 sq. ft of permitted development
Lot 3: 3,888 sq. ft of land	x 2.62 FAR = <u>10,187 sq. ft. of permitted development</u>
Total permitted development	182,780 square feet of building area

Potential development: 182,780 sq. ft. FAR x \$34.35 sq. ft. of FAR = \$6,278,500

Indication of value for the assembled site after adding the vacated right-of-way:

Potential development: 188,074 sq. ft. FAR x \$34.35 sq. ft. of FAR = \$6,460,300

Final estimated contributory value of vacated right-of-way:

Value of property <u>after</u> vacation	\$6,460,300
Value of property <u>before</u> vacation	6,278,500

Difference	\$ 181,800

It should be clearly understood that an appraisal has not been made of the subject properties or of the properties abutting the right-of-way. The estimate of value assumes that marketable title to the right-of-way to be vacated will be conveyed to the abutting property owner unencumbered. Further, my opinion of the estimated fair market value assumes the zoning and permitted land use capabilities allowed as of the date of the estimate, which impact the highest and best use determinations.

cc: Mark Jinks, Assistant City Manager

PLEASE SELECT 3 VIEWERS AND NAME ONE AS CHAIR

19
9-14-02

VIEWERS LIST

Mr. Donald Allen
102 Monroe Avenue
Alexandria, VA 22301
703-836-0094

Mr. Ross Bell
820 S. Washington Street, #B-329
Alexandria, VA 22314
703-836-2001 [cme-10/00]

Ms. Amoret Bunn
607 Melrose Street
Alexandria, VA 22302
703-683-1836

Mr. Rodger Digilio
1900 Mt. Vernon Avenue
Alexandria, VA 22301
703-548-6066 [cme-10/00]

Ms. Katrine Fitzgerald
307 East Mason Avenue
Alexandria, VA 22301
703-683-1617

Ms. Gila Harris
5435 Richenbacher Avenue
Alexandria, VA 22304
703-671-9055 [wde-7/00]

Mr. John Hines
13 East Myrtle Street
Alexandria, VA 22301
703-683-9659

Mrs. Judy Lowe
14 West Mount Ida Avenue
Alexandria, VA 22305
703-548-1713 [wde-9/00]

Ms. Kellie Meehan
801 West View Terrace
Alexandria, VA 22301
703-836-1787

Mr. Lee Roy Steele
516 North Patrick Street
Alexandria, VA 22314
703-549-7737 [wde-9/00]

Mr. Warren Almquist
201 East Monroe Street
Alexandria, VA 22302
703-684-3657

Mr. Bill Brandon
727 Upland Place
Alexandria, VA 22314
703-683-0927 [cme-10/00]

Ms. Libby Cooperman
205 Yoakum Parkway, #215
Alexandria, VA 22304
703-370-9064

Ms. Marilyn Doherty
12 West Mount Ida Avenue
Alexandria, VA 22301
703-548-3095

Mrs. Ruby Fitzgerald
305 Summers Drive
Alexandria, VA 22301
703-548-7088

Ms. Debbera Hayward
5911-303 Edsall Road
Alexandria, VA 22304
703-370-7360

Mr. Jesse Jennings
1019 Oronoco Street
Alexandria, VA 22314
703-549-5229 [wde-9/00]

Ms. Cathy Major
1431 Oronoco Street
Alexandria, VA 22314
703-836-2521

Mr. Paul Smedberg
975 Powhatan Street
Alexandria, VA 22314
703-684-8795

Ms. Ruby Tucker
254 Lynhaven Drive
Alexandria, VA 22305
703-549-7754

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City of Alexandria, Virginia
301 King Street, Suite 2300
Alexandria, Virginia 22314

19
9-14-02



Kerry J. Donley
Mayor

William C. Cleveland
Vice Mayor

Members of Council
Claire M. Eberwein
William D. Eutle
Redelia S. Pepper
David G. Speck
Joyce Woodson

September 16, 2002

Beverly I. Jett, CMC
City Clerk and
Clerk of Council
beverly.jett@ci.alexandria.va.us

(703) 838-4550
Fax: (703) 838-6433

Mr. Paul Smedberg
975 Powhatan Street
Alexandria, Virginia 22314

Re: Consideration of a request for a vacation of a portion of the public right-of-way located at the southwest corner of Duke Street and Holland Lane

Dear Mr. Smedberg:

Pursuant to authorization given to Mayor Donley by the City Council at its Public Hearing Meeting on September 14, 2002, you, as Chairperson, together with Ms. Libby Cooperman, and Mr. Roger Digilio, were appointed as viewers to view the public right-of-way property described in the attached pages and to report in writing whether in the viewers' opinion any inconvenience or harm to the public would result from discontinuing and vacating the public right-of-way use of this property. I have enclosed a sample viewers' report. For further information concerning this matter, you may contact the Director of the Department of Planning and Zoning at 703-838-4666.

If possible, would you please have your report, signed by all three viewers, in the Office of the City Clerk on or before Monday, September 30, 2002. If this date is not convenient, please call my office so that we can place your report on a later docket.

Please bill JBG Rosenfeld Duke Street, L.L.C., 5301 Wisconsin Avenue, N.W., Suite 300, Washington, D.C. 20015. If payment is not made within thirty (30) days, please advise the City Clerk at 703-838-4550.

Sincerely,

Beverly I. Jett, CMC
City Clerk and Clerk of Council

Enclosures: Docket Item No. 19
Sample Viewers' Report
Ms. Libby Cooperman, 703-370-9064
Mr. Roger Digilio, 703-548-6066

"Home Town of George Washington and Robert E. Lee"

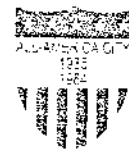


City of Alexandria, Virginia

301 King Street, Suite 2300

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(703) 838-4550
Fax: (703) 838-6433

Ms. Libby Cooperman
205 Yoakum Parkway, #215
Alexandria, Virginia 22304

Re: Consideration of a request for a vacation of a portion of the public right-of-way located at the southwest corner of Duke Street and Holland Lane

Dear Ms. Cooperman:

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Beverly I. Jett

Beverly I. Jett, CMC
City Clerk and Clerk of Council

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Mr. Paul Smedberg, 703-684-8795
Mr. Roger Digilio, 703-548-6066

"Home Town of George Washington and Robert E. Lee"



City of Alexandria, Virginia

301 King Street, Suite 2300

Alexandria, Virginia 22314

19
9-14-02



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September 16, 2002

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City Clerk and
Clerk of Council
beverly.jett@ci.alexandria.va.us

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Fax: (703) 838-6433

Mr. Rodger Digilio
1900 Mount Vernon Avenue
Alexandria, Virginia 22301

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Dear Mr. Digilio:

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Sincerely,

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City Clerk and Clerk of Council

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Ms. Libby Cooperman, 703-370-9064

"Home Town of George Washington and Robert E. Lee"

Council Members
City of Alexandria

19
9-14-02

IN RE: Dept. of Planning and Zoning/Vacation #2002-0001

Dear Council Members:

Writing in regards specifically to the proposed changes to the intersection of Duke and Holland Lane (as per the notification signs posted in the immediate area). I apologize for not giving me testimony in person. I live and work in the city, and can view the Duke/Holland intersection from my office window.

I don't know if there are plans to add or create lanes, or to make intersection improvements, since the posting doesn't make it clear, for the said intersection. If that be the case, I will not give opinion on those matters.

The only opinion I can give is that by keeping the intersection exactly as it remains with the only change being to remove the Eastbound designated Right Turn lane for Holland Ave and the Eisenhower corridor could potentially detrimental to the traffic flow.

My first point would be for cars traveling south on Reinekers Lane. Presently, (for vehicles on Duke Street traveling Eastbound) a stoplight stops traffic ahead of the said intersection at Reinekers Lane. This stoplight is a short distance away from the Duke/Holland intersection. Because of this stoplight, traffic can easily cross Duke Street and exit onto Holland easily with the Right Turn lane. Without the said lane traffic would have to wait for the green light - that may cause traffic congestion.

My second point would be for the traffic traveling Eastbound. It appears, but I don't have statistics, that Eastbound traffic is always busy no matter if it is in the commute to work in the morning or going home, and especially on Eastbound Friday night. With the Right Turn lane available, cars can move off of Duke Street quicker and easier. If the lane is removed, right lane traffic will have to slow down for every right turn - which may cause backups. Presently a right turn does not slow down traffic in the right lane because of the turn lane.

My final point is that of potential numbers. With the John Carlyle development and the US Patent Office complex, there is going to be an estimated 10,000 employees and habitants within the next few years. To add to the problems, Eisenhower was not widened during development, but only received traffic lights. Also, security booths cutting into the roads in front of the US District Courthouse disrupt traffic patterns. It seems with all the growth and traffic problems going to happen on Eisenhower, Duke, and Holland, that lanes should not removed since they actually help the present and impending situation.

Thanks for your time.

Glenn Landis
5493 A Holmes Run Pkwy
Alexandria, VA 22304

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

~~19~~ VACATION #2002-0001

1700 DUKE ST

Public Hearing and Consideration of a request for vacation of a portion of the public right-of-way located at the southwest corner of Duke Street and Holland Lane; zoned CDD-1/Coordinated Development District, Duke Street. Applicant: JBG Rosenfeld Duke Street, LLC, by Harry P. Hart, attorney, and appointment of viewers for same.

COMMISSION ACTION: Recommend Approval 6-0

City Council approved the Planning Commission recommendation and incorporated the change to condition #1 in the letter from Mr. Hart dated September 13, 2002, which condition #1 now reads as follows: "1. The applicant shall pay fair market value as determined by the Department of Real Estate Assessments, offset by the cost of undergrounding the Dominion Virginia Power equipment located in the intersection of Duke Street and Holland Lane, not to exceed the fair market value. The cost of the undergrounding shall be verified by the Director of T&ES. The applicant shall be responsible for performing the work and for payment of the difference between the fair market value and the cost of undergrounding of the power equipment. The payment shall be made prior to the issuance of the first Certificate of Occupancy."; and authorized the appointment of viewers. Paul Smedberg, chair, Rodger Digilio, and Libby Cooperman were appointed as viewers.

Council Action: _____

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

20. Public Hearing and Consideration of Renewal of Law Enforcement Block Grant Program for FY 2003. (#9 9/10/02)

City Council closed the public hearing and (1) approved the submission of the City's on-line grant application, in the amount of \$120,881, of which 90 percent, or \$108,793, will be federal funds, and 10 percent, or \$12,088, will be provided from the FY 2003 Police Department operating budget for the local match; and (2) authorized the City Manager to execute any documents that may be required to receive the grant and release the grant funds to the City for expenditure.

Council Action: _____

21. Public Hearing and Consideration of Report on the Community Partnership Fund for Human Services Recommended Priorities for the FY 2004 Competitive Grant Cycle. (#12 9/10/02)

City Council approved the report and recommendations of the City Manager, approved the following additional recommendation reflected in the memorandum dated September 13, 2002, that an Americans with Disabilities Act (ADA) training initiative be incorporated into the FY 2004 priorities for the Community Partnership Fund, and added training on Section 504 of the Rehabilitation Act as suggested by speaker Cooper.

Council Action: _____

15-19
9-14-02

HART, CALLEY, GIBBS & KARP, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

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OF COUNSEL
CYRIL D. CALLEY
ROBERT L. MURPHY

September 13, 2002

The Honorable Kerry Donley and Members of the City Council
c/o City Clerk
City Hall, Room 2300
Alexandria, VA 22314

Re: 1700 Duke Street Project, Docket Items 15-19
MPA #2002-0003
CDD # 2002-0002
DSUP # 2002-0009
SUP(TMP) #2002-0047 and
Vacation # 2002-0001

Dear Mayor Donley and Members of City Council:

After consultation with Staff, the following is a list of the agreed modifications to the conditions for the above referenced docket items on your September 14, 2002 Planning Commission docket:

Docket Item 17, DSUP#2002-0009

Condition No. 1 (a) should read:

"The base of the building (retail) shall be pre-cast, the building shall provide a continuous lighter color brick frieze around top of the entire building, the building shall provide a pre-cast or comparable material corner treatment and the general level of architectural detail, design and quality as depicted in Attachment #1."

Condition No. 5 should read:

"The applicant shall provide pedestrian streetscape improvements that at a minimum shall provide the level of improvements depicted on the preliminary plan and shall also provide the following to the satisfaction of the Director of P&Z."

Condition No. 59 (2)(a):

"Special construction methods to reduce noise transmission, including which may include: . . ."

Condition No. 75:

"In accordance with the City of Alexandria's Affordable Housing Policy, the developer will provide a contribution to the Housing Trust Fund in the amount of \$1.00 per gross square foot, or \$175,000.00, whichever is greater, no later than the date of the issuance of a the Certificate of Occupancy for the building grocery store."

Condition No. 76:

"For firefighting reasons ~~all~~ one stairs shall extend through the roof so that door access to the roof is provided."

Condition No. 77: add the following at the end of the paragraph

"to the satisfaction of the Director of Code Enforcement."

Condition No. 79:

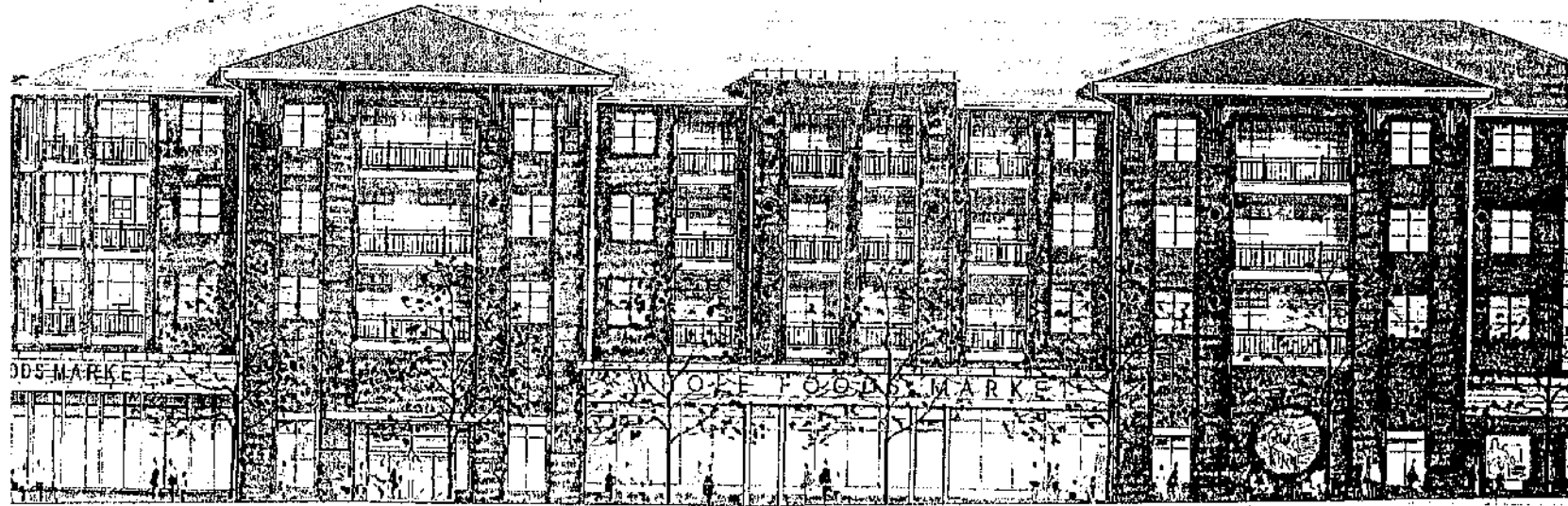
"The building requires 2 van accessible handicapped accessible parking spaces. ~~At least one space shall be within the parking structure.~~"

Docket Item # 19, Vacation # 2002-0001

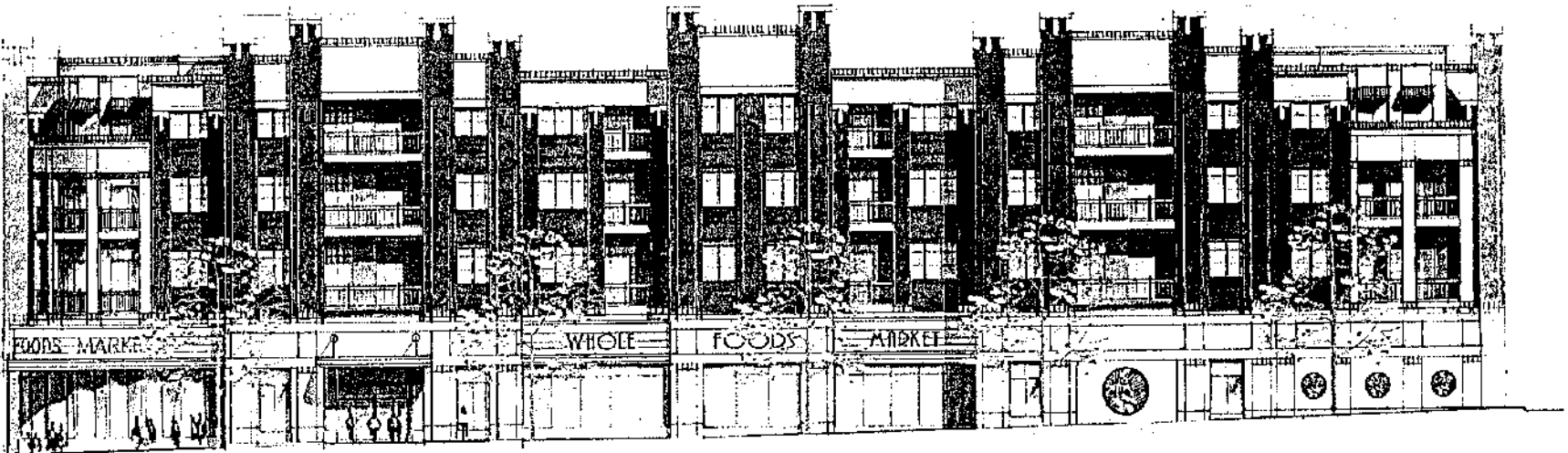
Condition No. 1 should read:

"The applicant shall pay fair market value as determined by the Department of Real Estate Assessment, offset by the cost of undergrounding the Dominion Virginia Power equipment located in the intersection of Duke Street and Holland Lane, not to exceed the fair market value. The cost of the undergrounding shall be verified by the Director of T&ES. The applicant shall be responsible for performing the work and for payment of the difference between the fair market value and the cost of undergrounding of the power equipment. The payment shall be made prior to the issuance of the first Certificate of Occupancy. The fee shall be paid for the land prior to release of the final site plan."

Applicants Proposal



Staff Proposal



Duke Street Elevation
DSUP # 2001-0009

SPEAKER'S FORM

**PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK
BEFORE YOU SPEAK ON A DOCKET ITEM.**

DOCKET ITEM NO. 15-19

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: Harry P. Hart
2. ADDRESS: 307 W. Washington St.
TELEPHONE NO. 703 836 5757 E-MAIL ADDRESS: hghk@erols.com
3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? The Applicant
4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: X AGAINST: _____ OTHER: _____
5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY,
LOBBYIST, CIVIC INTEREST, ETC.):
Attorney
6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE
COUNCIL? YES X NO _____

This form shall be kept as a part of the Permanent Record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of 5 minutes will be allowed for your presentation. If you have a prepared statement, please leave a copy with the City Clerk.

Additional time, not to exceed 15 minutes, may be obtained with the consent of the majority of the Council present, provided that notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at Public Hearing Meetings, and not at Regular Meetings. Public Hearing Meetings are usually held on the Saturday following the second Tuesday in each month; Regular Meetings are regularly held on the Second and Fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item can be waived by a majority vote of Council members present, but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at Public Hearing Meetings. The Mayor may grant permission to a person, who is unable to participate in public discussion at a Public Hearing Meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

- All speaker request forms for the public discussion period must be submitted by the time the item is called by the City Clerk.
- No speaker will be allowed more than 5 minutes, and that time may be reduced by the Mayor or presiding member.
- If more than 6 speakers are signed up or if more speakers are signed up than would be allotted for in 30 minutes, the Mayor will organize speaker requests by subject or position, and allocate appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30-minute public discussion period.
- If speakers seeking to address Council on the same subject cannot agree on a particular order or method that they would like the speakers to be called, the speakers shall be called in the chronological order of their request forms' submission.
- Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.